window and an upper side of said main window is less than said preset predetermined value said

automatic movement step comprises moving said sub window such that an upper side of said sub

window comes into alignment with an upper side of said main window.

REMARKS

The present preliminary amendment and remarks are in response to the Final Office

Action entered in the above identified case and mailed on January 5, 2001. Claims 1-12 are

pending in the application. Claims 1, 2, 5-7, and 10 stand rejected under 35 U.S.C. §103 as

being unpatentable over U.S. Patent No. 5,621,904 to Elliot et al. in view of U.S. Patent No.

5,487,143 to Southgate, and further in view of U.S. Patent No. 5,771,042 to Santos-Gomez.

Claims 3, 4, 8, 9, 11, and 12 were rejected under 35 U.S.C. §103 as being unpatentable over

Elliott et al. in view of Southgate, Santos-Gomez, and further in view of U.S. Patent No.

5,880,731 to Liles et al. Applicants respectfully traverse, but have nonetheless amended the

claims to more clearly indicate the distinguishing features of the present invention over the art of

record.

The claims pending in the application are not obvious in view of the cited prior art for at

least two reasons. First, there is no teaching or suggestion in the references themselves that

would have motivated one ordinary skill in the art to join the references in the manner suggested

by the Examiner to arrive at the claimed invention. In fact Elliot et al. and Santos-Gomez teach

away from making such a combination. Second, even if one of ordinary skill in the art were

motivated to make the suggested combination, the resultant apparatus or method would not teach

or suggest the present invention as claimed.

Applicant first addresses the lack of a suggestion to combine the references. In order to

find obviousness by combining reference or modifying the prior art to produce the claimed

invention, there must be some teaching, suggestion, or motivation to do so found either in the

references themselves, or in the knowledge generally available to one of ordinary skill in the art. In Re Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988). In the present case, not only is there no suggestion to combine the references, but the Elliot et al. and the Santos-Gomez references actually teach directly away from making such a combination.

Southgate merely teaches a display having multiple windows, wherein a first area of the display displays windows in a non-overlapping "tile" configuration, windows located in a second display area are allowed to overlap. Individual windows can be moved from one area to the other. Other than the fact that Southgate teaches windows that may be moved about and displayed adjacent one another, Southgate is of little relevance to the present invention.

Elliott et al. teach a "Method and Apparatus for Avoiding Overlapped Windows and a Gutter Space." The method and the apparatus taught by Elliott et al. include a main window and a sub window (See Figs. 1 and 2), however, the whole intent of Elliot et al. is to move the sub window away from the main window. Thus, at column 3 lines 11-15 Elliot et al. state that their invention exploits the fact that there is often room between a parent window and the boundaries of the screen to place the sub window in the margin such that it does not obscure information displayed within the parent window. Further, at lines 26-30 of column 3, Elliott et al. state that in the preferred embodiment of the invention the sub window is placed a predetermined pixel distance away from the nearest side of the parent window. Elliott et al. refer to the space between the main window and the sub window as a "gutter." The entire rest of the specification outlines methods for determining whether the sub window will fit above, below, or beside the main window, and if possible with the desired gutter space between the main window and sub window.

Santos-Gomez, on the other hand, teaches a "Multi-Size Control for Multiple Adjacent Workspaces." As can be seen in Figs. 4 and 5, Santos-Gomez teaches a plurality of work spaces (windows) that may be moved about a screen relative to one another. The multi-size controller includes a "snap region," the operation of which is described in column 5 lines 47-53. Santos-Gomez states that the workspaces may snap together when their borders are moved to a sufficiently close proximity. As shown for example in Figs. 2 and 3 when the workspace 34 is dragged so that its top border is within the snap region 38, the adjacent workspaces are connected and a "single size control separator 37" is created. As is best seen in Fig. 6, the single size control separator 37 may be used to adjust the relative sizes of the various work spaces simultaneously, and though not relevant to the argument that there is no teaching to combine the references, the height and width of the sub window that is snapped into place with the other workspaces are no longer independent and are governed by the by the single size control separator 37. (This feature will be explored further when Applicant addresses the second issue, namely that the combination cited by the examiner fails to teach or suggest the claimed invention.)

The differences between Elliott et al. and Santos-Gomez may be summarized thus: Elliott et al. teach moving the sub window away from the edges of the main window in order to create a gutter between the two windows, whereas Santos-Gomez teaches moving the two work spaces adjacent one another when the work spaces are moved into the "snap region." Elliott et al. teach separating the work spaces when possible and Santos-Gomez teaches bringing them together. The two references teach in exactly opposite directions. Therefore, one of ordinary skill in the art would not have been motivated to combine the mutually exclusive teachings of Elliott et al. and Santos-Gomez to arrive at the invention as claimed in the instant application

with or without the additional teaching of Southgate. For this reason, independent claims 1, 5, and 6 as well as the claims depending therefrom, are all allowable over the various combinations of Elliott et al., Southgate, Santos-Gomez, and Liles.
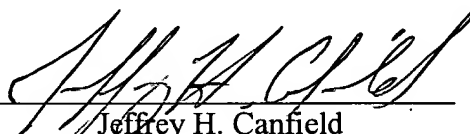
Furthermore, even if one of ordinary skill in the art were motivated to make the combinations suggested by the Examiner, the resultant combinations fail to teach or suggest the claimed invention. Each of the pending claims calls for, among other things, either a means for or a step of automatically moving the sub window to a position adjacent the main window when the position of the sub window specified by the user is such that a distance between the sub window and the main window is less than a preset predetermined value. According to claim 1 the height and width of the sub window are independent of the main window, and remain so even after the automatic move to a position adjacent the main window. According to claims 5 and 6 the automatic move is accomplished without altering the height or width of the sub window. These features simply are not taught or suggested by either Elliott et al., Southgate or Santos-Gomez.

Elliott et al. teaches keeping the sub window spaced apart from the main window when possible. Southgate merely teaches a tiled non-overlapping display area and an overlapping area coupled with the ability to move windows between the two areas. Santos-Gomez teaches a snap region for automatically moving windows adjacent one another, but at the price of the size of the windows changing in height and width as a result of the snap action. As stated at column 5 lines 20-25 and as illustrated in Fig. 6, the single size control separator is created between the various workspaces when the border of a workspace is aligned with the border of and adjacent workspace. The connected workspaces may then be resized utilizing the single size control separator. As is clear from Fig. 6, the height and width of the various workspaces (windows)

are no longer independent of one another, and are automatically adjusted when the various work spaces are "snapped" together. Thus, it is clear that even if one of ordinary skill in the art would have been motivated to make the combination suggested by the Examiner, the resultant combination simply does not teach the invention as claimed. For this reason, as well as the fact that the references themselves teach away from the combination suggested by the Examiner, the rejection under 35 U.S.C. §103 should be withdrawn.

Applicant respectfully submits that all of the pending claims are in condition for allowance and awaits early and favorable consideration of all claims. However, if there remain any outstanding issues, the Examiner is encouraged to call Applicants' attorney Jeffrey Canfield at (312) 807-4233 in order to facilitate a speedy disposition of the case.

Respectfully submitted,

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AMENDMENT A

1.   (Amended)   An image display processing apparatus for displaying in a single display window a main window for displaying main information and a sub window for displaying accompanying information associated with said main information, said sub window having a height and width independent of a height and width of said main window, the image display processing apparatus comprising:

a display position moving means for moving said sub window from a first position, at which said sub window is initially displayed, to a user-specified position; and

an automatic arrangement changing means for automatically moving said sub window to a position adjacent to said main window [without altering a height or a width of said sub window if, after said sub window is moved to] when said user-specified position is such that a [a separated] distance between said sub window and said main window is [within] less than a preset predetermined value, with the height and width of the sub-window remaining independent of the height and width of the main window.

2.   (Amended)   The image display processing apparatus according to claim 1, wherein, [if a separated distance in a vertical direction from said sub window to said main window is within a preset predetermined value,] when said user-specified position is such that a vertical distance between an upper side of said sub-window and an upper side of said main window is less than said preset predetermined value, said automatic arrangement changing means moves said sub window such that [an] the upper side of said sub window comes [in] into alignment [on a same horizontal line] with an upper side of said main window.

5. (Amended) An image display processing method for displaying in a single display window a main window for displaying main information and a sub window for displaying accompanying information associated with said [in] main information, comprising the steps of:

moving said sub window from a first position, at which said sub window is initially displayed, to a user-specified position; and

automatically moving said sub window to a position adjacent to said main window without altering a height or a width of said sub window [if, after said sub window is moved to said user-specified position, a] when said sub window is separated from said main window by a distance [between said sub window and said main window is within] less than a preset predetermined value when in said user specified position.

6. (Amended) An information providing medium for providing a computer program to be executed by an image display processing apparatus for displaying in a single display window a main window for displaying main information and a sub window for displaying accompanying information associated with said main information, said computer program comprising the steps of:

moving said sub window from a first position, at which said sub window is initially displayed, to a user-specified position; and

automatically moving said sub window to a position adjacent to said main window without altering a height or a width of said sub window [if, after said sub window is moved to said user-specified position, a] when said sub window is separated from said main window by a

distance [between said sub window and said main window is within] <u>less than</u> a preset predetermined value <u>when in said user specified position.</u>

7.   (Amended) The image display processing method according to claim 5, wherein, [if a separated distance in a vertical direction of said sub window to said main window is within a preset predetermined value,] <u>when said user-specified position is such that a vertical distance between an upper side of said sub window and an upper side of said main window is less than said preset predetermined value</u> said automatic movement step comprises moving said sub window such that an upper side thereof comes [in] <u>into</u> alignment [on a same horizontal line] with an upper side of said main window.

10.   (Amended) The image providing medium according to claim 6, wherein, [if a separated distance in a vertical direction from said sub window to said main window is within a preset predetermined value,] <u>when said user-specified position is such that a vertical distance between an upper side of said sub window and an upper side of said main window is less than said preset predetermined value</u> said automatic movement step comprises moving said sub window such that an upper side of said sub window comes [in] <u>into</u> alignment [on a same horizontal line] with an upper side of said main window.